

JOURNAL OF THE HOUSE.

Thursday, March 30, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer. God of Goodness and Love, we pray for Your guidance and Your gift of wisdom as we take up the day's legislative items and the items on our own agenda. Teach us to pause during the course of the day to reflect and consider thoughtfully our options and choices as we make our decisions. In Your goodness, help us, as elected leaders, to seek truth and justice in proposing and evaluating new legislation and public policy. Grant us the vision and clarity of thought to foresee the consequences of our own actions. Inspire us to remain faithful to You, Your ways and precepts, and our ideals.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance. At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Appointments to a Special Commission.

L.N.G. facility siting commission, appointments. The Speaker and the Minority Leader announced that Representatives Dempsey of Haverhill, Smizik of Brookline, Coakley-Rivera of Springfield, O'Flaherty of Chelsea, Correia of Fall River and Lepper of Attleboro had been appointed to the special commission established (under Chapter 1 of the Resolves of 2006) to make an investigation and study of the siting and use of liquefied natural gas facilities in the Commonwealth.

Resolutions.

Michael Coelho. Resolutions (filed with the Clerk by Messrs. Jones of North Reading and Toomey of Cambridge) honoring Michael Coelho for his service to the Commonwealth of Massachusetts, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Albert William Lajoie. Resolutions (filed by Ms. Gobi of Spencer) in recognition of the service of Albert William Lajoie to the United States Navy during the Vietnam War;

Resolutions (filed by Mr. Miceli of Wilmington) honoring Kathleen Scanlon on her retirement from the town of Wilmington as town clerk; and Kathleen Scanlon.

Resolutions (filed by Mr. Swan of Springfield) congratulating Curtis and Vivian Fudge on the celebration of their sixtieth wedding anniversary; Curtis and Vivian Fudge.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Flynn of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Bills

Amending the toxics use reduction act (Senate, No. 2250) (on Senate, No. 536); Toxics use, reduction.

Relative to rates of pilotage (Senate, No. 2391, amended by inserting after section 1 the following section: Pilotage rates.

"SECTION 1A. Said section 3 of said chapter 103, as so appearing, is hereby amended by adding the following paragraph:—

In determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall adopt regulations allowing applicants who are members of any uniformed service of the United States, including the Army, Navy, Air Force, Marine Corps, Coast Guard or NOAA Officer Corps, to apply as credit any time during which the applicant has served on active duty and the time accrued shall be applied as experience toward the applicant's required experience. Military sea service in command of a vessel shall be applied as credit toward any requirements for service in the capacity of master. Military service as second-in-command of a vessel shall be applied as credit toward any requirements for service in the capacity of chief mate. Military sea service in a capacity as an officer in charge of a navigational bridge watch shall be applied as credit toward any sea service requirements other than those in the capacity of master or chief mate. No person's status as a veteran or as a military reservist, and no person's susceptibility to recall to military active duty, shall diminish his eligibility for selection for pilot candidate training or for warrant or full branch pilot commission."; and by striking out section 3) (on Senate bill, No. 2204);

Allowing creditable service for certain state contract employees (Senate, No. 2462) (on Senate bill, No. 2294); State contract employees.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Establishing a campus rape and sexual assault advisory council (Senate, No. 2460) (on Senate bill, No. 2408); Campus rape prevention council.

Designating the garter snake as the official reptile of the Commonwealth (printed as House, No. 3453) (on a petition); Garter snake, state reptile.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

The following notice was received from the Clerk of the Senate, to wit:

March 30, 2006.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Robert E. Travaglini, President of the Senate, has announced his appointments to the Special Commission established (pursuant to Chapter 1 of the Resolves of 2006) to make an investigation and study of the siting and use of liquefied natural gas facilities in the Commonwealth. The President's appointments are Senators Joan M. Menard and John A. Hart, Jr.

I also have the honor to inform you that the Honorable Brian P. Lees, Minority Leader of the Senate, has appointed Senator Robert L. Hedlund as the Minority Party member of the same special commission.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to increase recycling (House, No. 3239),— and recommending that the same be referred to the committee on Ways and Means with an amendment previously recommended by the committee on Environment, Natural Resources and Agriculture (substituting a bill with the same title, House, No. 4721, pending). Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill pertaining to firefighters injuries (House, No. 303);

Of the Bill relative to employees of sheriff's departments (House, No. 426);

Of the Bill relative to investigations performed by guardian ad litem at the request of the Probate and Family Court (House, No. 754);

Of the Bill relative to the teaching of African-American history in public schools (House, No. 1035);

Of the Bill relative to excise tax on motor vehicles (House, No. 2300);

Of the Bill relative to the time allowed for local assessors to appeal the valuation of state-owned lands to the Appellate Tax Board (House, No. 2388);

Of the Bill to ensure citizen participation in economic development (House, No. 3871); and

Of the Bill clarifying the timely payment of wages (House, No. 3939);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, Nos. 1489, 2687, 2756, 2764, 2791, 2887, 3908 and 3909, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care funding and benefits (House, No. 4816).

By Mr. Murphy of Lowell, for the committee on Higher Education, on House, No. 1262, an Order relative to authorizing the committee on Higher Education to make an investigation and study of a certain House document concerning textbooks for higher education (House, No. 4817).

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on House, Nos. 1619, 1621, 1623, 3223, 3564, 3585, 3587, 3611, 3612 and 4086, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning municipal issues (House, No. 4818).

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, Nos. 140, 144, 147, 148, 155, 157, 159, 160, 165, 171, 174, 177, 180, 187, 192, 193, 204, 208, 209, 214, 217, 222, 225, 226, 227, 236, 243, 244, 245, 252, 254, 255, 257, 258, 259, 260, 261, 264, 266, 272, 273, 275, 277, 278, 279, 284, 286, 290, 293, 294, 298, 299, 300, 301, 302, 304, 305, 307, 309, 310, 313, 314, 316, 318, 319, 320, 325, 329, 337, 340, 341, 342, 348, 350, 354, 355, 358, 373, 375, 378, 379, 381, 383, 385, 386, 388, 389, 391, 392, 394, 395, 398, 400, 402, 403, 406, 408, 409, 410, 411, 413, 416, 418, 419, 421, 425, 427, 428, 431, 433, 435, 437, 438, 439, 440, 442, 443, 447, 448, 455, 462, 463, 464, 465, 466, 468, 472, 473, 479, 480, 481, 482, 486, 488, 489, 490, 492, 493, 494, 497, 498, 499, 503, 507, 508, 509, 514, 520, 521, 523, 524, 529, 531, 532, 533, 540, 544, 550, 551, 554, 557, 560, 563, 564, 565, 566, 568, 569, 570, 576, 578, 583, 584, 585, 588, 593, 595, 596, 600, 601, 602, 1149, 2149, 2881, 3131, 3133, 3134, 3135, 3136, 3138, 3233, 3593, 3615, 3616, 3821, 3973, 3974, 3975, 3978, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3987, 3991, 3992, 3993, 3994, 3995, 3996, 3997, 3999, 4003, 4012, 4047, 4069, 4124, 4149, 4211, 4240, 4258, 4338, 4339, 4340, 4400, 4414, 4415, 4416, 4434, 4464, 4526, 4527, 4548, 4567, 4588, 4633, 4644 and 4667, an Order

Vehicle
excise.

Appellate
Tax Board.

Economic
development.

Wages,
timely
payment.

Health
care,
study.

Higher
education,
textbooks.

Municipal
issues,
study.

Public
employees.

L.N.G.
facility siting
commission,
appointments.

Recycling.

Firefighters,
injury.
Sheriffs
departments.
Guardian
ad litem.

African
American
history.

Public employees.

relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4800).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Pathology tests.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, No. 2635, a Bill providing for direct billing of certain pathology tests (House, No. 4812).

National Guard, hazardous exposures.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on a petition, a Bill relative to exposures to hazardous materials by certain members of the National Guard (House, No. 4591, changed in section 2, in line 14, by inserting after the word “members” the words “or their designee”, in line 15, by striking out the word “commission” and inserting in place thereof the word “secretary”, and in lines 31 and 31, by striking out the sentence contained therein).

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care financing.

Vehicles, phone use.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 2035, 2046, 2051, 2067 and 2133, a Bill prohibiting the use of certain communication devices while operating a motor vehicle (House, No. 4819) [Representatives LeDuc of Marlborough and Loscocco of Holliston dissenting].

Motor vehicle inspections.

By the same member, for the same committee, on House, No. 2257, a Bill relative to motor vehicle inspections (House, No. 4820).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recesses.

Recesses.

At nine minutes after eleven o'clock A.M., on motion of Miss Reinstein of Revere (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Smizik of Brookline, until the hour of three o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

Simulcasting, extend.

The House Bill extending simulcasting of horse and greyhound racing (House, No. 4804) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2469.

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith. The House then non-concurred with the Senate in its amendment. Sent to the Senate for its action.

Engrossed Bills.

The engrossed Bill further regulating eligibility for the police civil service examination (see House, No. 4352, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate. Bill re-enacted.

The engrossed Bill providing remedies to consumers for clearing title after payoff of mortgages (see Senate, No. 2278, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Recesses.

At five minutes after five o'clock P.M., on motion of Mr. Rogers of Norwood (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-two minutes before six o'clock the House was called to order with Mr. Donato in the Chair. Recesses.

The House thereupon took a further recess, on motion of Mr. Flynn of Bridgewater, until the hour of eleven o'clock A.M. on Friday, March 31; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Friday, March 31, 2006 (at 11:00 o'clock A.M.).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Flynn of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at nineteen minutes before two o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Paper from the Senate.

The House Bill extending simulcasting of horse and greyhound racing (House, No. 4804) came from the Senate with the endorsement that said branch had receded from its amendment (striking out Simulcasting, extend.

Simulcasting,
extend.

all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2469) (in which the House had non-concurred).

The bill bore the further endorsement that it had been amended by said branch by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2471).

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, the amendment was considered forthwith.

Point of
order.

The same member thereupon raised a point of order that the amendment adopted by the Senate was improperly before the House for the reason that the Senate had exceeded its authority in entertaining said amendment.

The Chair (Mr. Donato of Medford) stated that the point of order was well taken; and the amendment was laid aside. The bill then was returned to the Senate endorsed accordingly.

Recess.

At sixteen minutes before two o'clock P.M., on motion of Mrs. Pope of Wayland (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at four minutes before four o'clock the House was called to order with Mr. Donato in the Chair.

Simulcasting,
extend.

Subsequently the bill (House, No. 4804) came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2469) (in which the House had non-concurred).

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, the amendment was considered forthwith.

The House then insisted on its non-concurrence with the Senate in its amendment, on further motion of the same member. Sent to the Senate for its action.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At one minute before four o'clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.